

STATE OF RHODE ISLAND
PUBLIC UTILITIES COMMISSION

IN RE: The Narragansett Electric Co.
d/b/a National Grid's FY 2022 Gas
Infrastructure, Safety and Reliability
(ISR) Plan

Docket No. 5099

MOTION FOR INTERVENTION
OF CONSERVATION LAW FOUNDATION

I. Introduction

The Conservation Law Foundation (“CLF”), pursuant to Public Utilities Commission (“PUC” or the “Commission”) Rules of Practice and Procedure 1.14(a) and (b), respectfully files its (CLF’s) Motion for Intervention in this Docket.

On December 18, 2020, The Narragansett Electric Company d/b/a National Grid filed with the Commission its “Proposed FY 2022 Gas Infrastructure, Safety and Reliability Plan.” In response, the PUC opened this Docket No. 5099.

Pursuant to PUC Rule of Practice and Procedure 1.16(b), CLF contacted National Grid (“Grid”) and the Division of Public Utilities and Carriers (the “Division”) to determine whether either of these entities has an objection to CLF’s proposed intervention in this Docket. Grid has not provided an answer. The Division has indicated that it will oppose our motion.

II. The Intervenor

CLF is New England’s leading environmental advocacy organization. Since 1966, CLF has worked to protect New England’s people, natural resources, and communities.

CLF is a nonprofit, member-supported organization with offices throughout New England. The Rhode Island CLF office is located at 235 Promenade Street, Suite 560, in Providence.

CLF promotes clean, renewable, and efficient energy production throughout New England and has an unparalleled record of advocacy on behalf of the region's environmental resources. As part of its 50-year legacy, CLF was a party in the landmark case in which the U.S. Supreme Court ruled that the U.S. Environmental Protection Agency has an obligation under the Clean Air Act to consider regulating tailpipe emissions that contribute to global warming. Massachusetts v. E.P.A., 127 S. Ct. 1438 (2007). CLF obtained an injunction to stop drilling for oil and gas on the environmentally sensitive Georges Bank, Conservation Law Foundation v. Sec'y of the Interior, 790 F.2d 965 (1st Cir. 1986); litigated to ensure enforcement of an earlier settlement agreement in a case stemming from the Big Dig, which settlement agreement required 20 public transit projects in and around Boston including construction of additional subway and rail lines, Conservation Law Foundation v. Romney, 421 F. Supp.2d 344 (D. Mass. 2006); and successfully advanced legal strategies to restore groundfish to the Gulf of Maine and southern New England waters. Conservation Law Foundation v. Evans, 211 F. Supp.2d 55 (D.D.C. 2002).

In Rhode Island, CLF and its members have a keen and active interest in ensuring that the state meets its carbon emission reduction goals set forth in the Resilient Rhode Island Act, R.I. Gen. Laws § 42-6.2-1, et seq. According to the state's own emissions accounting, the burning of fossil fuels for heat accounts for over a third of state greenhouse

gas emissions—even before including the significant emissions caused by gas leaks. See R.I. Dep’t of Env’tl. Mgmt., 2016 Rhode Island Greenhouse Gas Emissions Inventory 7 (2019). Grid’s transmittal letter to the PUC states that its (Grid’s) ISR Plan involves, inter alia, replacement of leak prone gas pipe, peak-shaving plants, and responding to emergency gas leaks. Grid’s December 18, 2020 Transmittal Letter, p. 1 ¶ 2. Since natural gas is a powerful contributor to the state’s overall carbon emissions profile, CLF and its member have a strong interest in certain component portions of this docket. Additionally, many of CLF’s members who live in Rhode Island are gas and electric ratepayers.

III. The Standard Governing this Motion

Intervention in PUC proceedings is governed by PUC Rule of Practice and Procedure 1.14.

PUC Rule of Practice and Procedure 1.14(b) states, in relevant part, that “any person claiming . . . an interest of such a nature that intervention is . . . appropriate may intervene in any proceeding before the Commission,” and that such interests include any “of such nature that movant’s participation may be in the public interest.”

PUC Rule of Practice and Procedure 1.14(e) states, in relevant part, that “all timely motions to intervene not objected to by any party within ten (10) days of service of the motion for leave to intervene shall be deemed allowed . . .”

As noted above, CLF has contacted Grid and the Division to determine whether any has an objection to CLF’s proposed intervention in this Docket. Grid has not provided an answer. The Division has indicated that it will oppose our motion.

IV. CLF's Interest in This Proceeding

CLF is a membership organization, and CLF and its members have a keen interest in certain aspects of this proceeding as they relate to greenhouse gas emissions and the future of the heating sector. Specifically, CLF plans to focus on the expected useful life and rate of depreciation of new gas infrastructure, and how these are affected by the state's climate goals and its efforts to decarbonize the heating sector. CLF intends to submit expert testimony on this topic for the Commission's consideration.

CLF was a full party in the most recent PUC gas and electricity rate case, Docket No. 4770; and in the concurrent Power Sector Transformation case, Docket No. 4780. In addition, CLF has participated, without objection from any party, in many other previous PUC Dockets. These include Docket No. 3659 (setting Rules pursuant to R.I. Gen. Laws § 39-26-1, et seq., the state's Renewable Energy Standard, or RES); Docket No. 3765 (considering Grid's 2007 RES compliance procurement); Docket No. 3901 (considering Grid's 2008 RES procurement); Docket No. 4012 (considering Grid's 2009 RES procurement); Docket No. 3932 (Grid's Least Cost Procurement Plan pursuant to R.I. Gen. Laws § 39-1-27.7); Docket No. 4111 (first of two dockets concerning Deepwater Wind's proposed Block Island demonstration wind project); Docket No. 4185 (second of two dockets concerning Deepwater Wind's proposed Block Island demonstration wind project); and Docket No. 4996 (last year's Gas ISR docket).

CLF has extensive experience with matters related to gas and electricity markets. As a result of this history, both in Rhode Island and in the rest of New England, CLF can play a constructive and helpful role in this Docket.

Moreover, the participation in this proceeding of a public interest organization such as CLF will serve the public interest. See, generally, John E. Bonine, Public Interest Environmental Lawyers: Global Examples and Personal Reflections, 10 Widener L. Rev. 451 (2004) (emphasizing the constructive and salutary role of public-interest environmental lawyers in a wide range of legislative, judicial, and regulatory fora).

V. Conclusion

WHEREFORE, for the foregoing reasons, CLF respectfully requests that its motion to intervene in this Docket be granted.

CONSERVATION LAW FOUNDATION,
by its Attorney,



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CERTIFICATE OF SERVICE

I hereby certify that on January 15, 2021, I sent a copy of the within to all parties set forth on the attached Service List by electronic mail and copies to Luly Massaro, Commission Clerk, by electronic mail and regular mail.

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